

Petition For Reconsideration

Regarding CC Docket # **02-6**

DA 15-875 7/30/2015

Late-Filed FCC Form 471 Applications – Circumstances Beyond Applicant's Control

Applicant Name:

IMAGINE SCHOOLS-CHANCELLOR CAMPUS

Application No. 1049655

Entity Number: 227220

Funding Year: 2015-16

CONTACT INFORMATION

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APPLICANT INFORMATION

Applicant 471 Main Contact Name: Paul McLaurin

Applicant Name: IMAGINE SCHOOLS-CHANCELLOR CAMPUS

BEN: **227220**

**This is a request for a Waiver/Appeal of the USAC designation for
IMAGINE SCHOOLS-CHANCELLOR CAMPUS**

Waiver/Appeal Request Detail:

471 Out of Window Certification - Funding Year 2015-16

Date Submitted: May 27, 2015

Date Certified: May 27, 2015

Form 471 Information: 1049655

Funding Request Number(s): 2870924

TOTAL Dollar Amount for FRN reimbursement: \$ 9,013.58

FCDL Date -N/A

Out-of-Window letter Date- Not received.

Service Provider Name: United Data Technologies, Inc.

Service Provider Identification Number: 143666666- 143020605

USAC Designation/ reason for appeal:

Rationale for this Request:

During the 2015-16 "eRate filing window", I was tasked with implementing the new Category two measures and filing a complete C2 471 for the School. The school worked feverishly to supply me with this information in time for the effective completion of the Form 471.

Process that Lead To the Error

The staff of this school does not include a tech person, and they were almost completely unfamiliar with the eRate program beyond this 2015 cycle. Normally this would not in itself be a significant obstacle to filing a timely 471, but the program has been dramatically altered for 2015-16, and this has created significant obstacles for a first-time eRate school, let alone a veteran with eRate funding. In the attempt to familiarize staff with all the new changes for implementation I became aware that even service providers were not aware of all new eligibilities/requirements for filing, or even how to provide data for item 21 formatting. This required an enormous amount of time to complete. In previous years the item 21 was possible to amend/complete beyond the 471 deadline as well, but the new 471 form could not be submitted until this data was uploaded. Additionally, the online 471 form repeatedly offered error messages as to filing status and certification date, which compounded these problems. In some cases the certification dates of 471 forms is still not correct on some entities as of 7-1-2015. As a result I was left with unformatted data on contracts, that were in fact both eRate eligible - and with signed agreements applicable for the 2015 471 filing window, but without time to correctly iron out all details. Because of this issue, the 471 was completed up to the item 21 prior to the 471 deadline, but not finalized and certified due to miscommunications on the signed contract.

As a result, this Form 471 was not filed on time, however filed and certified within the extended certification window of 5-26-2015.

Circumstances to Consider –

- Form 471 was certified on Apr 26, 2015, prior to the extended certification deadline date
- Past FCC eRate rulings approving waivers of this nature
- The school acted appropriately and in good faith, signing contract within SLD dates for this FRN request. The new C2 funding guidelines required the school to take significant additional measures to confirm eligibilities, and to upload this data in a USAC acceptable format
- **Circumstances Beyond Applicant's Control** - The following items were newly-added/changed/unstable during 2015 471

submission, resulting in confusion for entities and SP's and additional steps to accurately complete a request.

1. **New category designations (C1 & C2)**
 2. **Eligibility changes and budget calculations for C1 and C2**
 3. **470 forms required for C1 or C2 only**
 4. **Item 21 data requirements increased and were required to be completed prior to 471 submission**
 5. **Service provider confusion on eligibilities and item 21 data**
 6. **New 471 template and upload system**
 7. **New 471 data retrieval mechanism**
 8. **Initial errors with the new systems data retrieval**
 9. **Uncertainty on the part of USAC when requesting clarity on eligibility questions and new service changes**
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- Errors and difficulties were expected during such a large change, which is why there was an initial extension for the 471 window. However this window did not allow enough time for all applicable signed contracts to be filed, and a certification window was extended. We believe that reformatting data to conform to the new changes and 471 template warrants additional leeway in submission, to the end of the 5-26 certification deadline extension:

Past FCC Ruling

FCC

DA 12-1469

September 14, 2012

The Order and Order on Reconsideration reviewed 39 requests from petitioners seeking review of decisions made by USAC under the eRate program. These petitioners were seeking waivers on the Form 471 filing window deadline.

The requests were granted for those schools within 14 days after the filing window deadline.

Justification was cited on past FCC Rules specifically File Nos. SLD-487009, et al., CC Docket No. 02-6, Order, 25 FCC Rcd 9256 (2010) (Academy of Math and Science Order) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline or filed their Form 471 on time, but failed to timely file their certifications); Also, the following order or docket #s: CC Docket NO. 02-6, Order, 26 FCC red 354.

This request is made on behalf of the Billed Entity for a Waiver/appeal to be granted. By granting this Waiver/Appeal, USAC could be directed to review IMAGINE SCHOOLS-CHANCELLOR CAMPUS 's application for funding during the Funding Year 2015.

Your favorable consideration in this matter is greatly appreciated.
Please feel free to contact me at any time should you have questions.

Paul McLaurin
Consultant
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